

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

INGENIADOR, LLC

Plaintiff

v.

ALFRESCO SOFTWARE, INC.;
INTERWOVEN, INC.; BLACKBOARD, INC.;
EMC CORPORATION; HEWLETT-
PACKARD COMPANY; INFORMATICA
CORPORATION; COMPULINK
MANAGEMENT CENTER, INC.;
MICROSOFT CORPORATION; NUXEO
CORPORATION; OBJECTIVE
CORPORATION USA, INC.; ORACLE
CORPORATION; SAP AMERICA, INC.; SDL
TRIDION, INC.; SPRINGCM, INC.

Defendants.

CIVIL NO. 11-1840 (GAG)

**DEFENDANT SAP AMERICA'S NOTICE OF PARTIAL JOINDER IN DEFENDANT
EMC'S MOTION TO DISMISS OR SEVER FOR IMPROPER JOINDER**

TO THE HONORABLE COURT:

Defendant SAP America, Inc. ("SAP") hereby partially joins Defendant EMC's Motion to Dismiss (Docket No. 99) due to the improper joinder of unrelated defendants pursuant to Fed. R. Civ. P. 20 and 21 (hereafter the "EMC Misjoinder Motion"), and the arguments and authorities found therein.

SAP respectfully requests that the Court dismiss it from this case, or sever the claims against it, because joinder of defendants here is improper for the reasons set forth in Sections III and IV of the EMC Misjoinder Motion.

In the alternative to dismissal, the EMC Misjoinder Motion seeks severance of the claims against EMC and transfer of those claims against EMC to the Northern District of California. While SAP joins the EMC Misjoinder Motion to the extent that it seeks the alternative remedies of dismissal or severance of the misjoined claims against the sixteen unrelated defendants, SAP does not at this time seek transfer of the claims against it if the Court severs those claims (though SAP reserves its right to seek transfer of these claims in the future). Thus, SAP does not join in EMC's arguments in Section V of the motion regarding transfer.

SAP's partial joinder in the EMC Misjoinder Motion is in addition to, and not a substitute for, SAP's pending motion to dismiss filed on November 3, 2011 (Docket No. 96). The present partial joinder is timely. *See* Fed. R. Civ. P. 21 ("On motion or on its own, the court may at any time, on just terms, add or drop a party.").

RESPECTFULLY SUBMITTED.

I CERTIFY that today, I presented the foregoing to the Clerk of the Court for filing and uploading to the CM/ECF system which will send electronic notification of such filing to plaintiff's counsel.

In San Juan, Puerto Rico, this 18th day of November, 2011.

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